

REMARKS

Claims 1-8 are pending in the present application. Claims 9-24 have been cancelled. No new matter has been added. In the Office Action, the Examiner rejected claims 1-8 under 35 U.S.C. § 112 and under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,641,864. The Examiner further imposed a three-way restriction requirement between claims 1-8, claims 9-16 and claims 17-24.

In response to the restriction requirement, Applicant affirms the provisional election of the claims of Group I. Applicant elects the claims of Group I, claims 1-8, directed to a substance, without traverse.

The Examiner rejected claims 1-8 under 35 U.S.C. § 112 as failing to comply with the written description requirement. Specifically, the Examiner noted that it was unclear as to what was meant by the term "carbonal" as a suspension agent. As seen above, the Applicant has amended the specification to clarify that the name "carbonal" is a trade name used by Dow Chemical Company to refer to one of their suspension agents. Applicant respectfully submits that one of ordinary skill in the art, when viewing the disclosure contained in the present application, would be able to select an appropriate compound to act as a suspension agent in association with the present invention.

Applicant respectfully disagrees with the double patenting rejection. However, in the interest of speedy prosecution, Applicant submits a terminal disclaimer herewith.

CONCLUSION

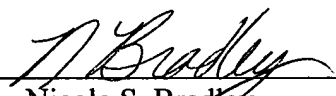
If the foregoing does not place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing this application in condition for allowance.

The commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment associated with this Response to Deposit Account No. 03-3975.

Respectfully submitted,

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